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E-FILED - 8/2/10

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IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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ROGER SCOTT ALLEN,	)	No. C 10-1840 RMW (PR)
	)	
Petitioner,	)	ORDER OF TRANSFER
	)	
vs.	)	
	)	
	)	
J.B. WALKER,	)	
	)	
Respondent.	)	
	)	

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Petitioner, a California proceeding pro se, filed a petition for a writ of habeas corpus

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pursuant to 28 U.S.C. § 2254. For the reasons stated below, this court will TRANSFER the

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instant petition.

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Petitioner filed a federal habeas petition. However, petitioner alleges that he is

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challenging his conditions of confinement. A writ of habeas corpus is not a proper vehicle to

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challenge conditions of confinement unrelated to the fact or duration of confinement. See

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Ramirez v. Galaza, 334 F.3d 850, 855 (9th Cir. 2003). A section 1983 action is a proper remedy

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for a state prisoner constitutionally challenging the conditions of his prison life rather than the

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fact or length of his custody. Ramirez, 334 F.3d at 855; see Badea v. Cox, 931 F.2d 573, 574

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(9th Cir. 1991) (challenges to conditions of confinement by state prisoners should be presented

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in a 42 U.S.C. § 1983 civil rights action rather than a habeas corpus petition).

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Even assuming this court has subject matter jurisdiction, it lacks personal jurisdiction.

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Order of Transfer
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1   The acts complained of occurred in Sacramento and the petitioner is located at California State

2   Prison, Sacramento, which lies within the venue of the Eastern District of California.

3   Therefore, venue properly lies in the Eastern District. See 28 U.S.C. § 1391(b).

4   Accordingly, this case is TRANSFERRED to the United States District Court for the Eastern

5   District of California. See 28 U.S.C. § 1406(a). The clerk shall transfer the entire file to the

6   Eastern District of California.

7   IT IS SO ORDERED.

8   DATED: ___7/30/10___

   Ronald M. Whyte
   RONALD M. WHYTE

9   United States District Judge

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Order of Transfer
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